



Patent
Attorney's Docket No. 033018-078

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

)	MAIL STOP ISSUE FEE
)	
In re Patent Application of)	Group Art Unit: 3743
)	
Walter A. Nichols et al.)	Examiner: J. F. Weiss, Jr.
)	
Application No.: 10/005,155)	Confirmation No.: 9860
)	
Filed: December 7, 2001)	
)	
For: DISPOSABLE INHALER SYSTEM)	
)	
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)	
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**REQUEST FOR ACKNOWLEDGMENT THAT ALL DOCUMENTS
CITED IN MARCH 20, 2002 INFORMATION DISCLOSURE
STATEMENT HAVE BEEN CONSIDERED**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants gratefully acknowledge receipt of a Notice of Allowance dated June 30, 2004. However, the Notice of Allowance did not indicate that the documents submitted with the Information Disclosure Statement filed on March 20, 2002 had been considered by the Examiner. For the convenience of the Examiner, a copy of the Information Disclosure Statement and the stamped postcard submitted on March 20, 2002 is enclosed.

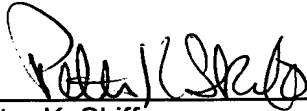
The Examiner is requested to initial and return to the undersigned a copy of the subject Form PTO-1449.

In view of the foregoing, the Examiner is requested to make of record the documents submitted with the Information Disclosure Statement filed on March 20, 2002.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 14, 2004

By: 
Peter K. Skiff
Registration No. 31,917

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620



AVAILABLE COPY

Inventor: Walter A. NICHOLS et al.

Appln. No. 10/005/155

Filing Date: December 7, 2001

Docket No.: 033018-078

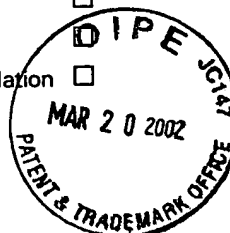
Work Atty: PKS:lib

Date: March 20, 2002



The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|--|---|---|
| <input type="checkbox"/> Amendment or Response | <input type="checkbox"/> Certificate Under 37 C.F.R. § 3.73(b) | <input type="checkbox"/> Check for \$___ is enclosed |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Transmittal Letter for Missing Parts of Application | <input type="checkbox"/> Check for \$___ is enclosed |
| <input type="checkbox"/> Reply Transmittal Letter | <input type="checkbox"/> Executed Declaration/Power of Attorney | <input type="checkbox"/> Charge \$___ to Deposit Account |
| <input type="checkbox"/> Petition for _ Month Extension of Time | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Submission of Formal Drawings w/ _ sheet(s) of drawings (Fig(s). 1-) | <input type="checkbox"/> Claim for Convention Priority w/_ certified copy(s) | <input type="checkbox"/> Payment of Issue Fee and Authorization to charge Deposit Account |
| <input type="checkbox"/> Request for Approval of Drawing Changes w/ _ sheet(s) of red ink drawings | <input checked="" type="checkbox"/> Information Disclosure Statement w/ document(s) | <input type="checkbox"/> Request for Refund |
| <input type="checkbox"/> Notice of Appeal | <input checked="" type="checkbox"/> Information Disclosure Citation (PTO-1449) | <input type="checkbox"/> Status Inquiry |
| <input type="checkbox"/> Brief for Appellant | <input checked="" type="checkbox"/> Information Disclosure Statement Transmittal Letter | <input type="checkbox"/> Request for Corrected Filing Receipt w/copy of Official Filing Receipt |
| <input type="checkbox"/> Request for Oral Hearing | <input type="checkbox"/> Request for Corrected Notice of Recordation of Assignment w/copy of Notice | <input type="checkbox"/> |
| <input type="checkbox"/> Reply Brief | <input type="checkbox"/> Request for Continued Examination | <input type="checkbox"/> |
| <input type="checkbox"/> Response to Restriction Requirement or Election of Species | | |
| <input type="checkbox"/> Terminal Disclaimer | | |



3-IDS

68 (10/00)



Patent
Attorney's Docket No. 033018-078

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Walter A. NICHOLS et al.

Application No.: 10/005,155

Filed: December 7, 2001

**For: DISPOSABLE AEROSOL GENERATOR
SYSTEM AND METHODS FOR
ADMINISTERING THE AEROSOL**

Group Art Unit: 3761

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

**Assistant Commissioner for Patents
Washington, D.C. 20231**

Sir:

Enclosed is an Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☒ No additional fee for submission of an IDS is required.
- ☐ The fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A certification under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A certification under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge \$_____ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \$_____ is enclosed for the fee due.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

By: Peter K. Skiff
 Peter K. Skiff
 Registration No. 31,917

Date: March 20, 2002

DOCKETED
filed 3-20-02 ^{LS}
4/30



Patent

Attorney's Docket No. 033018-078

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
Walter A. NICHOLS et al.) Group Art Unit: 3761
)
Application No.: 10/005,155) Examiner: Not Yet Assigned
)
Filed: December 7, 2001)
)
For: DISPOSABLE AEROSOL GENERATOR)
SYSTEM AND METHODS FOR)
ADMINISTERING THE AEROSOL)

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited on the PTO-Form 1449 is enclosed.

The documents listed on the attached PTO-Form 1449 are cited in commonly owned patents and/or patent applications and/or other wise came to the attention of the Applicants.

The documents are being submitted within 3 months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later, therefore no fee or statement is required under 37 C.F.R. § 1.97(b).

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____

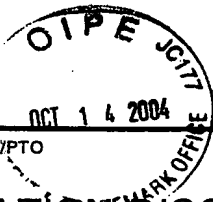
Peter K. Skiff

Registration No. 31,917

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620
Date: March 20, 2002

DOCKETED
filed 3-20-02 ^{CS}
4/300

(01/02)



Substitute for form 1449A/PTO

ATTORNEY'S DKT NO.

033018-078

APPLICATION NO.

10/005,155

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

APPLICANT

Walter A. NICHOLS et al.

FILING DATE

December 7, 2001

GROUP

3761

U.S. PATENT DOCUMENTS

Examiner Initials	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication (MM-DD-YYYY)
	Number	Kind Code (if known)		
	2,896,856		Kravits	07-28-1959
	3,084,698		Smith	04-09-1963
	3,157,179		Paullus et al.	11-17-1964
	3,162,324		Houser	12-22-1964
	3,431,393		Katsuda	04-04-1969
	3,486,663		Humphrey	12-30-1969
	3,658,059		Steil	04-25-1972
	3,716,416		Adlhart et al.	02-13-1973
	3,750,961		Franz	08-07-1973
	3,847,304		Cohen	11-12-1974
	3,859,398		Havstad	01-07-1975
	3,902,635		Jinotti	09-02-1975
	3,903,883		Pecina et al.	09-09-1975
	3,904,083		Little	09-09-1975
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	3,993,246		Erb et al.	11-23-1976
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	4,042,153		Callahan et al.	08-16-1977
	4,060,082		Lindberg et al.	11-29-1977
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	4,215,708		Bron	08-05-1980
	4,231,492		Rios	11-04-1980
	4,258,073		Payne	03-24-1981
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	4,433,797		Galia	02-28-1984
	4,471,892		Coleman	09-18-1984
	4,512,341		Lester	04-23-1985

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

OCT 14 2004

SHEET 2 OF 7

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

ATTORNEY'S DKT NO.

033018-078

APPLICATION NO.

10/005,155

APPLICANT

Walter A. NICHOLS et al.

FILING DATE

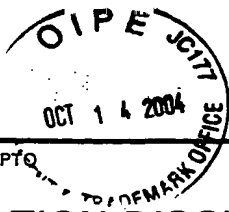
December 7, 2001

GROUP

3761

4,575,609	Fassel et al.	03-11-1986
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4,649,911	Knight et al.	03-17-1987
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4,695,625	Macdonald	09-22-1987
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5,135,009	Müller et al.	08-04-1992

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.



Substitute for form 1449A/PTO

ATTORNEY'S DKT NO.
033018-078APPLICATION NO.
10/005,155INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
Walter A. NICHOLS et al.FILING DATE
December 7, 2001GROUP
3761

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Substitute for form 1449A/PTO

ATTORNEY'S DKT NO.

033018-078

APPLICATION NO.

10/005,155

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

APPLICANT

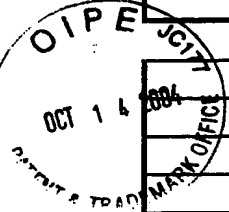
Walter A. NICHOLS et al.

FILING DATE

December 7, 2001

GROUP

3761



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6,119,953	Gañán-Calvo et al.	09-19-2000
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

ATTORNEY'S DKT NO.

033018-078

APPLICATION No.

10/005,155

APPLICANT

Walter A. NICHOLS et al.

FILING DATE

December 7, 2001

GROUP

3761



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6,182,712	Stout et al.	02-06-2001
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6,192,882	Gonda	02-27-2001
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6,318,361	Sosiak	11-20-2001

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

ATTORNEY'S DKT NO.

033018-078

APPLICATION NO.

10/005,155

APPLICANT

Walter A. NICHOLS et al.

FILING DATE

December 7, 2001

GROUP

3761

Pub. No.
2001/0032647
A1

Schuster et al.

Published
10-25-2001

FOREIGN PATENT DOCUMENTS

Examiner Initials	Foreign Patent Document		Country	Date of Publication (MM-DD-YYYY)	Translation	
	Number	Kind Code (if known)			Yes	no
	667979 A		France	10-25-1929		X
	354094 A		Belgium	09-1928		X
	354004 A		Belgium	09-1928		X
	94/09842 A		WIPO	05-11-1994		
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	0358114 A		Europe	03-14-1990		
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	1036470 B1		Germany	08-14-1958		X
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	207457 A		Hungary	04-28-1993		X
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NON						
Examiner Initials						
	Barry, P.W. et al. "In Vitro Comparison of the Amount of Salbutamol Available for Inhalation From Different Formulations Used with Different Spacer Devices" Eur Respir J 1997; 10: 1345-1348					
	Byron, Peter R. Ph.D., Chairman, "Recommendations of the USP Advisory Panel on Aerosols on the USP General Chapters on Aerosols (601) and Uniformity of Dosage Units (905)", Pharmacopeial Forum, Vol. 20, No. 3, pp. 7477-7505, May-June 1994 (023)					
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